

**THE HONOURABLE SRI JUSTICE C.V. RAMULU**

**WRIT PETITION NO.13163 OF 1997**

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**DATED: 03-04-2007**

Between:

Dr. Vadlamudi Anjaneyulu

.. Petitioner

and

The Chairman, A.P. Dairy Development  
Cooperative Federation Limited, Lalapet,  
Hyderabad and another.

.. Respondents

**THE HONOURABLE SRI JUSTICE C.V. RAMULU**

## WRIT PETITION NO.13163 OF 1997

### ORDER:

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This writ petition is filed seeking a mandamus directing the respondents to pay the petitioner a sum of Rs.2,43,949/- (Rupees Two Lakhs Forty Three Thousand Nine Hundred and Forty Nine only) towards subsistence allowance from 01.09.1990 to 31.05.1997 and also thereafter from 01.06.1997 so long as the petitioner was kept under suspension, as provided under Rule 25 of Andhra Pradesh Dairy Development Cooperative Federation Limited Conduct, Discipline and Appeal Rules, 1983.

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It appears, the petitioner, who was the General Manager of the respondent Federation, was suspended from service with effect from 14.09.1989 pending a detailed enquiry into certain allegations made against him. Thereafter, by an order, dated 08.10.1990, he was removed from service. Aggrieved by the same, the petitioner filed W.P.No.15426 of 1990 before this Court and the same was allowed on 21-07-1993 quashing the removal orders on the ground that the enquiry was made in violation of principles of natural justice and further directing the respondents to conduct a fresh enquiry in accordance with law. While so, despite the said orders, the respondents neither proceeded to conduct a fresh enquiry nor paid the subsistence allowance to the petitioner, who was under suspension. Aggrieved by the same, the petitioner filed W.P.No.21905 of 1994 before this Court. This Court, by an order, dated 29.12.1994, in W.P.M.P.No.27957 of 1994 in the said writ petition, directed the respondents to pay Rs.50,000/- to the petitioner towards subsistence allowance. Accordingly, the respondents paid the said amount to the petitioner. According to the petitioner, thereafter, the respondents did not pay the subsistence allowance to him, though he was continued to

be under suspension. The respondents are liable to pay a sum of Rs.2,43,949/- to him towards subsistence allowance from 01.09.1990 to 31.05.1997 and also continue to pay as long as he was kept under suspension. Since the respondents have not paid the same, the petitioner filed this writ petition.

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The respondents, in their counter-affidavit, have categorically asserted that pursuant to the interim orders passed by this Court in W.P.M.P.No.27957 of 1994, they have paid Rs.50,000/- to the petitioner towards subsistence allowance. It is further submitted that, in obedience of the orders of this Court to conduct a fresh enquiry, the Enquiry Officer conducted a detailed enquiry afresh into the allegations levelled against the petitioner and found the petitioner guilty of the charges. As a consequence, the petitioner was removed from service with effect from 12.03.1998 vide proceedings of the disciplinary authority. Since the final orders are passed removing the petitioner from service, the petitioner is not entitled to the relief as sought for in this writ petition and the writ petition is liable to be dismissed.

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Heard both sides.

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It is not known as to how the period of suspension was treated by the disciplinary authority while passing the final orders. Without perusal of the final orders, the petitioner may not be granted subsistence allowance for the suspension period.

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Under these circumstances, I am of the opinion that the writ petition has become infructuous and is liable to be dismissed.

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Accordingly, the writ petition is dismissed as infructuous. However, this will not preclude the petitioner from working out his

remedies as available under the law.

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3<sup>rd</sup> April, 2007.  
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**C.V. RAMULU, J**